IN THE HIGH COURT OF JUDICATURE AT BOMBAY
APPELLATE CIVIL JURISDICTION

WRIT PETITION NO.6365 OF 2004

Arvind Pundlik Pawaskar ..Petitioner
Vs.
State of Maharashtra & Ors. ..Respondents

Mr.A.S.Khandekarpar i/b. Khandeparkar & Assoc. for Petitioner
Mrs. S.S.Bhende, A.G.P. for Respondent State
Mr.G.R.Rege with Mr. S.M. Railkar for Respondent No.3

CORAM: F.I. REBELLO &
S.P. KUKDAY, JJ.
DATE: 6TH MAY, 2005.

P.C.

. The matter has been adjourned from time to time to find out whether it is possible to give some relief to the Petitioner. After considering various contentions it will not be possible for this Court to interfere with the construction of the National Highway and its alignment. The only request now made by the Petitioner is that if near his house if possible the alignment of retaining wall be slightly altered so that he gets some additional area. It is for the Respondents; If it is feasible near the Petitioner's house to change the gradient of the slope and the alignment of the retaining wall Respondents to consider the same sympathetically.

. The Petitioner further submits that in so far as his plot is concerned apart from his house

which is now standing thereon there is additional area on which he can either extend the house or put up a new construction. The Respondent Council on the Petitioner submitting a proposal for extension or re-construction to consider these aspects considering that the Petitioner's land has been affected by the construction of the National Highway and in these circumstances to condone and/or waive restrictions if there are no major devitins in the matter of additional or new construction. We have no doubt that on the Respondent No.3 forwarding the said proposal, the Town Planning Authority will approve the proposal forwarded by the Respondent No.3, in the special circumstances of the case.

. In the event of reconstruction or addition if any issue arises on account of any act of Town Planning Authority or the Municipality in not granting permission liberty to the Petitioner to apply to this Court for necessary directions.

. With the above directions Petition stands disposed of. No order as to costs.

(F.I.REBELLO,J.)

(S.P. KUKDAY,J.)